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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/789,325 | 02/27/2004 | Douglas M. Okuniewicz | A9658-81022 | 9385 |

32909 7590 07/28/2008

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| EXAMINER | |
|---|---|
| TORIMIRO, ADETOKUNBO OLUSEGUN | |
| ART UNIT | PAPER NUMBER |
| 3714 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 07/28/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/789,325 | OKUNIEWICZ, DOUGLAS M. | |
| | Examiner | Art Unit | |
| | ADETOKUNBO O. TORIMIRO | 3714 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-15 and 17-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. The amendment received on 05/19/2008 has been considered. It has been noted that claims 1-4,13,15,17,25,34-40, and 42 have been amended. New claims 50-55 have been added.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meekins et al (US 6,685,563).

Re claims 1,4,10,15,17,25,41,42,50, and 51: Meekins et al teaches a gaming device interface comprising interface means for detecting and receiving, analyzing and translating an event signals **(see col.5, lines 53-67; col.6, lines 1-12; and col.9, lines 4-12)**; lottery entry means **(see col.11, lines 1-7; col.13, lines 1-3,13-16, and 28-35)**; outputting lottery outcomes **(see col.11, lines 44-51 and 64-67)**. Meekins does not explicitly disclose detection means and outputting lottery entry dispensing commands upon an occurrence of an event. However, since Meekins discloses constantly monitoring thee occurrence of an event for activating the lottery game **(see col.13, lines 21-27)**, Meekins obviously discloses the detection means for constantly monitoring the occurrence of an event since it is obvious that during constant monitoring every action in the event will be monitored. Further, since Meekins et al discloses providing a lottery ticket when the computer detects a game event **(see col.13, lines 28-31 and 34-35)**, and since

generating a command from a controller to an output device for the output device to perform a function according to the controller's command would have been known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a lottery ticket dispensing command from a controller to the ticket dispensing means of Meekins in order to allow the controller to control peripheral devices such as a ticket printer, etc.

Re claims 2,3,5-9,11-14,52,54, and 55: Meekins et al teaches using software, hardware, and firmware for detecting occurrences of an event **(see col.6, lines 47-63)**; outputting lottery tickets **(see col.13, line 35)**; tracking coin-in **(see col.6, lines 1-11)**.

Re claims 18-24,43-49: Meekins et al teaches detaching or integrating the lottery system to the gaming device **(see col.11, lines 8-16)**; transmitting data between game devices via LAN **(see col.8, lines 21-31)**; enabling and disabling the gaming device **(see col.11, lines 17-22)**; a central lottery system **(see col.13, lines 13-17)** and a central computer system **(see col.8, lines 29-31)**.

Re claims 26-40 and 53: Meekins et al teaches outputting lottery outcomes **(see col.11, lines 44-51 and 64-67)**; the lottery event is generated or initiated for generation by the gaming device or lottery system **(see col.11, lines 8-51)**.

***Response to Arguments***

4. Applicant's arguments filed 05/19/2008 have been fully considered but they are not persuasive.

Applicant's claim for the benefit of the prior filed applications under 35 USC 119(e) or under 120,121, or 365© is accepted and entered to the record. It is noted that the late claim

priority under 35 USC 120 is accepted. However, the granting of the petition to accept the delayed benefit claim to the prior filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior filed applications. In order for this application to be entitled to the benefit of the prior filed applications, all other requirements under 35 USC 120 and 37 CFR 1.78 (a)(1) and (a)(2) must be met. Similarly, the fact that the corrected filing receipt accompanying this decision on petition includes the prior filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon.

In response to Applicant's argument about parent Applications 09/639,441, 08/944,075, and 08/795,152 predating Meekins' filing date, Examiner agrees, but however points to Applicant as noted above that parent applications predating an application doesn't imply or construe that the application benefits from the prior filed application. In light of this, Examiner points to Applicant that claim 1 includes "lottery entry means" that is not disclosed in any of the parent nor grandparent applications. Therefore the earliest filing date for claims 1-14 is the filing date of application 60/196,827. Claims 15,25 includes "central lottery system… terminal/electronic device operative for gaming purposes" that is not disclosed in any of the parents nor grandparent applications. Therefore the earliest filing date for claims 15 and 17-49 is that of the present application. Claim 50 and 51 includes "lottery device that issues a verifiable entry to a lottery event" and "means for generating a verifiable entry to a lottery event" that is not disclosed in any of the parent nor grandparent applications. Therefore the earliest filing date for claims 50-55 is that of the filing date of application 60/196,827. Therefore it is noted that the earliest filing dates of Meekins is before the earliest filing dates applied to the claims of the

present application, and therefore applicable as a reference and prior art in considering patentability of claims 1-15 and 17-55.

In response to the Applicant's argument that it is not obvious to one of ordinary skill in the art that output lottery entry commands upon occurrence of an event, the Examiner notes that to adequately traverse the rejection, the applicant must specifically state why the noticed fact is not considered to be common knowledge or well know in the art. See 37 CFR 1.111(b).

In response to the Applicant's argument that lottery ticket is not lottery entry, the Examiner points out to Applicant that as rightly stated by Applicant, claim 2 depends on claim 1 and from claim 1 (col.13, lines 1-7), the video lottery terminal when activated provides a lottery drawing in which a player participates which comprises the lottery ticket generator. And Examiner interpreted this as comprising a ticket generator for printing out ticket for participation/entry, which is another embodiment from that pointed out by Applicant. Also it is well known in the art for tickets printed out to indicate the winnings by a player to be used as entry into games on gaming machines as a form of waging in a lottery game and other casino based games. Also lines 1-3 of col.13 talks about means for placing a wager, which in a lottery game wager represents the entry means for the lottery game.

In response to Applicant's argument that "lottery ticket" is not in the application filed March 2,2000, Examiner points Applicants to claim 2 of Meekins and adds that this application is used as the reference and its filing date is Mar 2, 2000. Examiner also notes that it is unclear exactly what the Applicant's argument is.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714